

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6846**  
**BILL NUMBER: SB 413**

**NOTE PREPARED:** Dec 31, 2006  
**BILL AMENDED:**

**SUBJECT:** Deputy Prosecuting Attorneys.

**FIRST AUTHOR:** Sen. Zakas  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

STATE IMPACT	FY 2007	FY 2008	FY 2009
State Revenues			
State Expenditures		921,712	938,740
Net Increase (Decrease)		(921,712)	(938,740)

**Summary of Legislation:** This bill has the following provisions:

- A. It allows the prosecuting attorney of a judicial circuit of the first or second class to appoint one additional deputy prosecuting attorney whose salary is paid by the state.
- B. It provides that such an appointment may not be made if the prosecuting attorney may already appoint one or more additional deputy prosecuting attorneys because certain Department of Correction or other state facilities are located in the county.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** The bill allows certain counties to hire an additional deputy prosecuting attorney. The additional state expenditures are estimated to be approximately \$922,000 in FY 2008 and \$939,000 in FY 2009.

The term judicial circuit refers to the area over which each circuit court has legal jurisdiction. With two exceptions, all counties are also judicial circuits. A judicial circuit class is determined under IC 33-39-6-4

by each circuit's proportion of its population and gross assessed valuation to state totals. Marion County is the only judicial circuit in Class 1. Eight counties are in the second circuit.

Under current law, each judicial circuit has a state-paid prosecuting attorney and deputy prosecuting attorney. Prosecuting attorneys in counties with either an adult correctional facility that houses between 100 and 1,500 offenders or a state mental health institution with at least 350 patients may appoint an additional deputy prosecuting attorney. Marion County is the only Class 1 or 2 circuit that currently may appoint an additional chief deputy prosecuting attorney. Consequently, each of the following eight counties would be permitted to appoint one additional deputy prosecuting attorney.

<u>County</u>	<u>Added Deputy Prosecuting Attorneys</u>
Allen	1
Elkhart	1
Hamilton	1
Lake	1
Porter	1
St. Joseph	1
Tippecanoe	1
Vanderburgh	1
	8

The state's share of salaries of these deputy prosecuting attorneys is 75% of the prosecuting attorney's salary. The prosecuting attorney's salary is the same as the salary of the circuit court judge (IC 33-39-6-5). The salary of the circuit court judge is adjusted each year based on a statewide average percentage paid to state employees in the same salary bracket as those of judges. (See IC 33-38-5-8.1) Between 2005 and 2006, the salary adjustment was 2%. Consequently, for purposes of this bill it is assumed that deputy prosecuting attorneys will receive a salary increase of 2% as well for FY 2008 and 2009.

The following table shows estimated costs associated with this bill, including the salary and fringe benefits.

<b>Estimated Staff Costs</b>			
<u>Cost Category</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Salary	\$87,105	\$88,847	\$90,624
Total Fringe	\$26,022	\$26,367	\$26,718
Total Staff Costs	\$113,127	\$115,214	\$117,343
Number of New Deputies	8	8	8
<b>Added Costs</b>	<b>\$905,017</b>	<b>\$921,712</b>	<b>\$938,740</b>

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** Counties may supplement their staff by adding deputy prosecuting attorneys that are paid by county funds. These eight counties may realize some savings if the state funds are substituted to pay for deputy prosecuting attorneys who are paid by these respective counties through county funds.

**Explanation of Local Revenues:**

**State Agencies Affected:** Division of State Court Administration.

**Local Agencies Affected:** Allen, Elkhart, Hamilton, Lake, Porter, St. Joseph, Tippecanoe, and Vanderburgh Counties.

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.